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SUBJECT: MOZAMBIQUE: WORST FORMS OF CHILD LABOR REPORT

REF: A) STATE 149662 B) STATE 158223

Summary

1. The Government of the Republic of Mozambique (GRM) is party to the ILO convention against the worst forms of child labor. The GRM has a regulatory framework in place to monitor and prosecute infractions of the labor code, but does not have a regulatory body specifically devoted to child labor cases. The Ministry of Labor (MOL), in conjunction with multilateral organizations and non-governmental organizations (NGOs), continues to develop and implement programs to combat the worst forms of child labor, but impact remains minimal. Child labor and forced and bonded labor remain common practices, particularly in rural areas. Major factors contributing to child labor include chronic family poverty, lack of employment for adults, breakdown of family support mechanisms, an inadequate education system, gender inequality, and the increasing impact of HIV/AIDS. End Summary.

Laws Proscribing the Worst Forms of Child Labor

2. Law 8/98 sets the minimum age for employment at 15 years, but, in exceptional cases, allows for children between the ages of 12 and 15 to work with the joint approval of the Ministries of Labor (MOL), Health, and Education. The law sets restricted conditions on the work that minors between the ages of 15 and 18 may perform, limits the number of hours they can work, and establishes training, education, and medical exam requirements. Children between the ages of 15 and 18 are prohibited from being employed in unhealthy or dangerous occupations or occupations requiring significant physical effort, as determined by the MOL. Article 79 of the Labor Law stipulates that employers must provide children between 12 and 15 with vocational training and offer age-appropriate work conditions. For children between 15 and 18 years of age, the employer is required to provide for their education and professional training and to ensure conditions of work that are not damaging to their physical and moral development. In April the Council of Ministers approved a draft Child Protection Law and forwarded the draft to the National Assembly for final approval.

3. For minors under 18 years, the maximum workweek is 38 hours and the maximum workday is 7 hours. Children must undergo a medical examination before beginning work. By law, children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher. Children, including those under the age of 15, commonly worked on family farms in seasonal harvests or commercial plantations, where they were paid on a piecework basis. In the urban informal sector children performed such tasks as guarding cars, collecting scrap metal, working as vendors, and selling trinkets and food in the streets, and presumably are paid on a piecework basis. Children also were employed as poorly paid domestic laborers, and this number continues to increase.

¶4. Mozambican law does not specifically prohibit trafficking in persons. Traffickers can be prosecuted using laws on sexual assault, rape, abduction, and child abuse. Post is unaware of any prosecutions or convictions for trafficking cases during the year. The government has responded to trafficking-related allegations in the press by conducting follow-up investigations, issuing public awareness announcements, and holding local workshops. The police conducted general training on vulnerable children, including trafficking, in the central provinces of Sofala, Manica and Zambezia and the northern province of Nampula. In July, the Council of Ministers approved a comprehensive draft law against trafficking in persons, including children, and forwarded the draft to the National Assembly for final approval. Trained police officials continued to staff women's shelters at police stations to protect trafficking victims in Maputo, Beira, Nampula, and several large towns in Gaza Province.

¶5. The Mozambican NGO Civic Education Forum (FECIV) and Save the Children Norway operate the country's only known shelter for trafficking victims outside the town of Moamba. The shelter is located half way between Maputo and the South African border post of Ressano Garcia, which is a major crossing point for trafficked persons. The shelter serves approximately 15 children. FECIV also works with other NGOs on the border to screen for victims of trafficking among the hundreds of illegal Mozambican immigrants repatriated each month by South African immigration authorities. The Department of Migration maintains an agreement with the government of South Africa to share facilities and information, including information on trafficking in persons.

¶6. The government ratified ILO Conventions 29, 138, and 182 in June 2003. Mozambique ratified the UN Convention on the Rights of the Child in April 1994, the UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution,

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and Child Pornography in March 2003, and the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons in September 2006. Focus on children's rights continues to be a primary focus of the government, particularly as it relates to HIV/AIDS, violence against children, and trafficking in persons.

Implementation and Enforcement of Labor Laws

¶7. The MOL regulates child labor in both the informal and formal sectors. Labor inspectors are authorized to obtain court orders and use police to enforce compliance with child labor provisions. Violations of child labor provisions are punishable with fines ranging from 1 to 40 times the monthly minimum wage. Enforcement mechanisms generally are adequate in the formal sector, but remain poor in the regulation of informal child labor. The Labor Inspectorate and police force lack adequate staff, funds, and training to investigate child labor cases, especially in areas outside of the capital, where many cases occur. Post is unaware of any child labor investigations occurring in 2007. The government provides training for police on child prostitution, abuse, (including pornography), and trafficking; however, there is no specialized child labor training for the Labor Inspectorate. The government has disseminated information and provided education about the dangers of child labor.

Social Programs to Counter Child Labor

¶8. The MOL and other organizations have done some work on child labor issues, but with little impact. The MOL has developed an action plan for reducing child labor and allocated funds to organize seminars to discuss this issue. The trade union movement in Mozambique also has been involved in the eradication of child labor. The Confederation of Trade Unions (OTM) has participated in several initiatives against child labor, particularly in rural areas, including participation in seminars and workshops as well as in the design of the child labor regulations.

¶9. The U.S. Department of Labor's Bureau of International Labor

Affairs currently funds one project in Mozambique, which began in ¶2005. The project targets children in 18 communities in Tete Province for withdrawal and prevention from work in agriculture, as domestics, in the streets, and commercial sexual exploitation. The major focus is to withdraw or prevent from exploitive labor approximately 2,600 children through the provision of educational and non-educational services.

¶10. The GRM also has programs aimed at supporting children from impoverished families to stay in school and away from the labor market and the worst forms of child labor. For example, the GRM has established a scholarship program to cover the costs of school materials and fees for children. These programs are targeted particularly at vulnerable groups affected by HIV/AIDS such as young girls, orphans, and child-headed households.

¶11. Education is compulsory and free through the age of 12, but there is a matriculation fee for each child, and children are responsible for purchasing books, uniforms, and school supplies (spending on these associated costs often was higher than matriculation fees). Such fees and associated costs represented a significant financial burden for many families. Children who have a certificate that testifies that their parents' incomes are below a certain poverty level do not pay any matriculation fees. Enforcement of compulsory education laws is inconsistent due to the lack of resources and the need for additional schools.

National Policy and Plan of Action

¶12. While the Ministry of Education has made significant progress in increasing school enrollments at all levels, significant challenges remain. UNICEF estimates that in 2007, 94 percent of children were enrolled in primary education in Mozambique. Completion rates remain much lower: in 2006, only 29 percent of girls and 41 percent of boys completed primary school. The government's 2007 economic and social plan aims to increase the overall number of students by 13 percent as well as recruit 9,000 new teachers. The GRM's Second Poverty Reduction Strategy for 2006-2010 also includes an education investment component. Over the next several years the government set goals to achieve gender equilibrium in primary schools, and by 2015 ensure that all children complete the full cycle of primary education. The program also seeks to improve access to and quality of education at all levels, by investing in teacher training and school equipment (particularly in rural areas), by increasing the amount of time children spend at school, by providing additional vocational programs, and by orienting the curriculum to specific employment opportunities.

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¶13. The Ministry of Education and Culture and UNICEF are working together in Zambezia Province to implement an innovative package of school interventions to improve access and quality, known as the Child-Friendly School (CFS) initiative. CFS includes learning and teaching material, extracurricular life skills programs on HIV/AIDS prevention and girls' empowerment, and access to social services for orphaned and vulnerable children. The program will be implemented in all primary schools in seven model districts over the next three years, with the goal of benefiting some 300,000 children.

¶14. UNICEF, UNESCO, and national broadcasters Radio Mozambique and Television Mozambique continue the Child-to-Child radio and television programs. The radio program involves 233 children between the ages of eight and 18 working on more than two dozen programs broadcast provincially and nationally in 16 local languages and Portuguese. Discussion topics include themes such as child abuse, violence, and trafficking, HIV/AIDS and health awareness, and girls' access to education. To ensure nationwide outreach, the programs occasionally are also broadcast live from districts and remote communities. The television program, entitled "Roda Viva" is dedicated to children's rights and issues of interest to young people and involves 16 children in program design, production, and presentation.

Incidence and Nature of Child Labor

¶15. Although forced and bonded labor by children is prohibited by law, it is common in rural areas. A Labor Force Survey conducted by the National Institute of Statistics in 2004-05 revealed that 32 percent of children between ages 7 and 17 were engaged in some form of economic activity. Of this number, it was estimated that 40 percent of children in rural areas work, while only 16 percent of children in urban areas work. The same report revealed that the provinces with the highest levels of economically active children were Tete, Inhambane, Manica, and Nampula (all between 38-51 percent). UNICEF estimates that more than one million Mozambican children under 14 are subject to exploitative labor. The most common forms of child labor included children working on family farms, in commercial agriculture, as domestics, and as prostitutes.

¶16. The major factors contributing to child labor in Mozambique were chronic family poverty, lack of employment for adults, breakdown of family support mechanisms, an inadequate education system, gender inequality, and the increasing impact of HIV/AIDS. Regarding education, UNICEF reports that more than half of primary school-aged children leave school before they complete grade five; many of these children eventually enter the informal job market, where they are subject to abuse and exploitation. Concerning the effect of HIV/AIDS, approximately 99,000 children under the age of 15 were living with the virus, the majority below the age of five. According to UNICEF, of the country's 1.6 million orphans, some 380,000 have been orphaned due to AIDS, representing more than 20 percent of the total orphaned population. Children orphaned by HIV/AIDS often are forced to work because they are left without any adult family members or with only extended family members who were unable to support them.

CHAPMAN